



## **LIBRARY OF CONGRESS**

### **Copyright Royalty Board**

**[Docket No. 21-CRB-0010-AU (iHeartMedia)]**

#### **Notice of Intent to Audit**

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Public notice.

**SUMMARY:** The Copyright Royalty Judges announce receipt from SoundExchange, Inc., of a notice of intent to audit the 2018, 2019, and 2020 statements of account submitted by commercial webcaster iHeartMedia concerning the royalty payments it made pursuant to two statutory licenses.

**FOR FURTHER INFORMATION CONTACT:** Anita Blaine, CRB Program Specialist, (202) 707-7658, [crb@loc.gov](mailto:crb@loc.gov).

**SUMMARY INFORMATION:** The Copyright Act, title 17 of the United States Code, grants to sound recordings copyright owners the exclusive right to publicly perform sound recordings by means of certain digital audio transmissions, subject to limitations. Specifically, the right is limited by the statutory license in section 114, which allows nonexempt noninteractive digital subscription services, eligible nonsubscription services, and preexisting satellite digital audio radio services to perform publicly sound recordings by means of digital audio transmissions. 17 U.S.C. 114(f). In addition, a statutory license in section 112 allows a service to make necessary ephemeral reproductions to facilitate digital transmission of the sound recording. 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are codified in 37 CFR parts 380 and 382-84.

As one of the terms for these licenses, the Judges designated SoundExchange, Inc., (SoundExchange) as the Collective, *i.e.*, the organization charged with collecting the royalty payments and statements of account submitted by eligible nonexempt noninteractive digital subscription services such as Commercial Webcasters and with distributing the royalties to the copyright owners and performers entitled to receive them under the section 112 and 114 licenses. *See* 37 CFR 380.4(d).

As the Collective, SoundExchange may, only once a year, conduct an audit of a licensee for any or all of the prior three calendar years to verify royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and deliver the notice to the licensee. *See* 37 CFR 380.6. On September 14, 2021, SoundExchange filed with the Judges a notice of intent to audit iHeartMedia for the years 2018-2020.

The Judges must publish notice in the *Federal Register* within 30 days of receipt of a notice announcing the Collective's intent to conduct an audit. *See* 37 CFR 380.6(c). This notice fulfills the Judges' publication obligation with respect to SoundExchange's September 14, 2021 notice of intent to audit.

Dated: September 22, 2021.

---

Jesse M. Feder,  
Chief Copyright Royalty Judge.